

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: COLUMBIA UNIVERSITY  
PATENT LITIGATION

MDL NO. 1592

IMMUNEX CORPORATION, a Washington  
Corporation and AMGEN INC., a Delaware  
Corporation,

Civil Action No. 04-10740-MLW

C.D. Cal. No. CV 03-4349 MRP (CWx)

Plaintiffs,

vs.

THE TRUSTEES OF COLUMBIA  
UNIVERSITY in the City of New York,  
a New York Corporation,

Defendant.

AND RELATED COUNTERCLAIM

**AMGEN INC.'S AND IMMUNEX CORPORATION'S SUPPLEMENT IN SUPPORT  
OF THEIR MOTION TO COMPEL DEFENDANT  
TO PRODUCE DR. SIMINOVITCH FOR HIS DEPOSITION OR  
IN THE ALTERNATIVE FOR ENTRY OF LETTERS ROGATORY**

Pursuant to the Court's October 7, 2004 Order, Amgen Inc. and Immunex Corporation (collectively "Amgen") hereby supplement their submissions relating to their Motion To Compel Defendant To Produce Dr. Siminovitch For His Deposition Or In The Alternative For Entry Of Letters Rogatory.

Columbia's October 11, 2004 submission to this Court does not resolve all issues related to Amgen's subpoenas and Amgen's motion. Amgen is currently working with Columbia to resolve the dispute. If given additional time, the parties may be able to reach agreement.

Therefore, Amgen requests that the Court permit Amgen to submit an additional supplement on October 22, 2004, if the parties are unable to resolve all issues.

October 14, 2004

Respectfully submitted,

IMMUNEX CORPORATION and AMGEN INC.  
By their attorneys,

/s/ Eileen M. Herlihy  
Eileen M. Herlihy (BBO #231410)  
Palmer & Dodge LLP  
111 Huntington Avenue at Prudential Center  
Boston, MA 02199-7613  
Telephone: (617) 239-0100  
Facsimile: (617) 227-4400

Vicki G. Norton (CA #175067)  
Wilson Sonsini Goodrich & Rosati  
3611 Valley Centre Drive, Suite 525  
San Diego, CA 92130  
Telephone: (858) 350-2300  
Facsimile: (858) 350-2399